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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------|-------------|----------------------|---------------------|------------------|
| 09/915,971 | 07/26/2001 | Anthony Lukindo | 374 | 8158 |
| 2292 | 7590 | 11/30/2004 | EXAMINER | |
| BIRCH STEWART KOLASCH & BIRCH | | | RAYMOND, EDWARD | |
| PO BOX 747 | | | ART UNIT | PAPER NUMBER |
| FALLS CHURCH, VA 22040-0747 | | | 2857 | |

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/915,971 | LUKINDO, ANTHONY | |
| | Examiner | Art Unit | |
| | Edward Raymond | 2857 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 26 July 2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-30 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 26 July 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>20020516</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed May 16, 2002 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because U.S. Patent 6,206,607 is not to Nguyen et al. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-13 and 16-28** are rejected under 35 U.S.C. 102(e) as being anticipated by Umezu et al.

Umezu et al. teach a method of managing manufacturing test files among a plurality of manufacturing test stations for testing products (Claims 1 and 16: see col. 1,

Art Unit: 2857

lines 8-17), the method comprising: obtaining a test file having a test file name (Claims 1 and 16: see col. 7, lines 58-62 and also col. 8, lines 5-7); assigning a unique identifier to the test file (Claims 1 and 16: see col. 8, lines 43-55: The Examiner notes that the icon is a unique identifier); associating enforcement criteria with the test file (Claims 1 and 16: see col. 8, lines 56-65: The Examiner notes that the enforcement criteria is equivalent to the test task); storing the test file, test tile name, the unique identifier and the enforcement criteria (Claims 1 and 16: see col. 9, lines 36-60); and distributing the test file to a test station in response to the enforcement criteria (Claims 1 and 16: see col. 18, lines 38-45).

Umezu et al. teach a method wherein the enforcement criteria includes an enforcement criteria test station identifier (Claims 2 and 17: see Figure 12: Testing Equipment 110: The Examiner notes that each test station uses a station name associated with the parameter data).

Umezu et al. teach a method further comprising comparing a test station identifier associated with the test station to the enforcement criteria test station identifier (Claims 3 and 18: see col. 6, line 60-65), said distributing being performed when the test station identifier matches the enforcement criteria test station identifier (Claims 3 and 18: see col. 18, lines 30-45).

Umezu et al. teach a method wherein the enforcement criteria includes an enforcement criteria product identifier (Claims 4 and 19: see Figure 12: Testing Equipment 110: The Examiner notes that each test station uses a station name associated with the parameter data).

Umezu et al. teach a method further comprising comparing a product identifier associated with the test station to the enforcement criteria product identifier, said distributing being performed when the product identifier matches the enforcement criteria product identifier (Claims 5 and 20: see col. 6, line 60-65).

Umezu et al. teach a method wherein the enforcement criteria includes support file criteria (Claims 6 and 21: see col. 10, lines 29-34).

Umezu et al. teach a method further comprising locating support test files associated with the test file in response to the support file criteria and distributing the support test files to the test station (Claims 7 and 22: see col. 10, lines 29-34 and col. 18, lines 35-45).

Umezu et al. teach a method wherein the enforcement criteria includes a test station configuration file defining a configuration of the test station (Claims 8 and 23: see col. 7, lines 58-63).

Umezu et al. teach a method wherein said distributing includes: accessing the test station configuration file; determining from the test file configuration file if the test station is configured to test a product; and providing the test file to the test station if the test station is configured to test the product (Claims 9 and 24: see col. 18, lines 35-45, col. 7, lines 58-63, and also col. 8, lines 29-35).

Umezu et al. teach a method wherein the test station configuration file includes hardware components associated with the test station, the hardware components associated with the test station including test equipment (Claims 10 and 25: see Figure 14).

Umezu et al. teach a method wherein said distributing occurs periodically at a predetermined interval (Claims 11 and 26: see col. 12, lines 21-56 and col. 13, lines 7-34: The Examiner notes that the loop feature can control the periodic interval of the test plan and the test plan includes the step of distributing data).

Umezu et al. teach a method wherein said distributing occurs upon an operator accessing the test station (Claims 12 and 27: see col. 18, lines 34-45).

Umezu et al. teach a method wherein said distributing occurs upon said storing (Claims 13 and 28: see col. 7, lines 52-57).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 14 and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Umezu et al. in view of Eason et al.

Umezu et al. does not teach a method further comprising performing an audit of the test station data and classifying the test file as illegal if the reported file identifier and the unique identifier do not match; and, deleting illegal files from the test station. Eason et al. teaches comparing test station data, classifying the test file as illegal if the identifier does not match, and deleting illegal files from the test station (Claims 14 and 29: see Figure 9: Step 924 through Step 934). It would have been obvious to the person having ordinary skill in the art at the time the invention was made to modify

Art Unit: 2857

Umezu et al. to teach such an audit and purge, as taught by Eason et al., because this would remove files from a test station that would cause unwanted results or to conserve storage resources.

6. **Claims 15 and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Umezu et al.

Umezu et al. does not explicitly teach a method wherein the product is an optical communications network component. Umezu et al. does teach a communications network component (Claims 15 and 30: see col. 18, lines 35-45). It would have been obvious to the person having ordinary skill in the art at the time the invention was made to modify Umezu et al. to use an optical communications network component, as suggested by Umezu et al., because this would allow for high performance communications and higher reliability.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kraffert teaches sharing data files in a test environment.

Contact Information

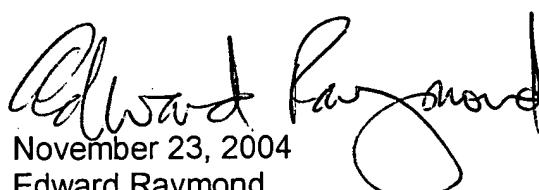
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Raymond whose telephone number is 571-272-2221. The examiner can normally be reached on Monday through alternating Friday between 8:00 AM and 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone numbers for

Art Unit: 2857

the organization where this application or proceeding is assigned are 571-273-2221 for regular communications and 571-272-1562 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.


November 23, 2004
Edward Raymond
Patent Examiner
Art Unit 2857